

REMARKS

The Decision on Appeal of September 18, 2006, has been received and reviewed.

Claims 1-24 were previously pending in the above-referenced application. Claims 1, 3, 4 and 11-24 were under consideration. Each of claims 1, 3, 4, 11-13, and 15-24 stands rejected, while claim 14 is drawn to allowable subject matter.

Independent claims 1 and 15 have been amended and claims 13, 14, 17, 22, and 24 have been canceled without prejudice or disclaimer.

New claims 25-34 have been added.

Reconsideration of the above-referenced application is respectfully requested.

Rejections under 35 U.S.C. § 102

Claims 15-20, 23, and 24 stand rejected under 35 U.S.C. § 102(e) for reciting subject matter that is allegedly anticipated by the subject matter described in U.S. Patent 6,358,793 to Yates et al. (hereinafter “Yates”). Claims 17 and 24 have been canceled, thereby mooting the rejection as to those claims.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single reference which qualifies as prior art under 35 U.S.C. § 102. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The subject matter of claim 14, which was indicated to contain subject matter that is allowable over the disclosure of Yates, has been incorporated into independent claim 15. Therefore, under 35 U.S.C. § 102(e), the subject matter recited in amended independent claim 15 is allowable over the subject matter described in Yates.

Each of claims 16, 18-20, and 23 is allowable, among other reasons, for depending directly or indirectly from amended independent claim 15, which is allowable.

Claims 1, 3, 11-13, 21, and 22 stand rejected under 35 U.S.C. § 102(e) for reciting subject matter that is allegedly anticipated by the subject matter described in U.S. Patent 6,278,153 to

Kikuchi et al. (hereinafter “Kikuchi”). Claims 13 and 22 have been canceled, thereby mooting the rejection as to those claims.

The subject matter of claim 14, which was indicated to contain subject matter that is allowable over the disclosure of Kikuchi, has been incorporated into independent claim 1. Therefore, under 35 U.S.C. § 102(e), the subject matter recited in amended independent claim 1 is allowable over the subject matter described in Kikuchi.

Each of claims 3, 11, 12, and 21 is allowable, among other reasons, for depending directly or indirectly from amended independent claim 1, which is allowable.

Claims 1, 15, 16, and 21-24 stand rejected under 35 U.S.C. § 102(e) for reciting subject matter that is allegedly anticipated by the subject matter described in U.S. Patent 6,461,932 to Wang. Claims 22 and 24 have been canceled, thereby mooting the rejection as to those claims.

The subject matter of claim 14, which was indicated to contain subject matter that is allowable over the disclosure of Wang, has been incorporated into independent claim 1 and independent claim 15. Therefore, under 35 U.S.C. § 102(e), the subject matter recited in amended independent claims 1 and 15 is allowable over the subject matter described in Wang.

Each of claims 16 and 23 is allowable, among other reasons, for depending directly from amended independent claim 15, which is allowable. Claim 21 is allowable, among other reasons, for depending directly from amended independent claim 1, which is allowable.

Withdrawal of the 35 U.S.C. § 102(e) rejections of claims 1, 3, and 11, 12, 15, 16, 18-21, and 23 is respectfully solicited, as is the allowance of each of these claims.

Rejections under 35 U.S.C. § 103

Claim 4 stands rejected under 35 U.S.C. § 103 for reciting subject matter that is allegedly unpatentable over the subject matter taught in Kikuchi in view of teachings from U.S. Patent 5,663,090 to Dennison et al. (hereinafter “Dennison”).

The standard for establishing and maintaining a rejection under 35 U.S.C. § 103(a) is set forth in M.P.E.P. § 706.02(j), which provides:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claim 4 is allowable, among other reasons, for depending indirectly from independent claim 1, which is allowable. It is respectfully requested that the 35 U.S.C. § 103(a) rejection of claim 4 be withdrawn, and that the claim be allowed.

Allowable Subject Matter

The indication that claim 14 recites allowable subject matter is noted with appreciation. As noted, the subject matter of now canceled claim 14 has been incorporated into independent claim 1 and independent claim 15.

New Claims

New dependent claim 25 incorporates subject matter present in claims 6 and 9. New dependent claim 26 incorporates subject matter present in claim 3. New dependent claim 27 incorporates subject matter present in claims 7 and 10.

New claims 28-34 have also been added. New claims 28 and 33 are independent claims. New claims 29-32 depend from new independent claim 28, while new claim 34 depends from new independent claim 33.

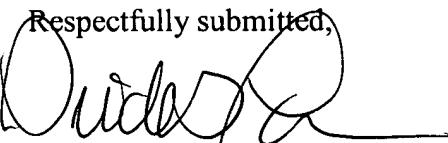
It is respectfully submitted that none of new claims 25-34 introduces new matter into the above-referenced application.

Election of Species Requirement

It is respectfully submitted that independent claim 1 remains generic to all of the species of invention upon which claims 2 and 5-10 read. In view of the allowability of independent claim 1, claims 2 and 5-10, which have been withdrawn from consideration, should also be considered and allowed. M.P.E.P. § 806.04(d).

CONCLUSION

It is respectfully submitted that each of claims 1-12, 15, 16, 18-21, 23, and 25-34 is allowable. An early notice of the allowability of each of these claims is respectfully solicited, as is an indication that the above-referenced application has been passed for issuance. If any issues preventing allowance of the above-referenced application remain which might be resolved by way of a telephone conference, the Office is kindly invited to contact the undersigned attorney.

Respectfully submitted,


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